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THE STATUTES OF *George Heriot's* HOSPITAL.

Honour the LORD *with thy Substance, and with the First-Fruits of all thine Increasce: So shall thy Barns be filled with Plenty.* Prov. iii. 9, 10.

But to do Good, and to communicate, forget not; for with such Sacrifices GOD *is well pleased.* Heb. xiii. 16.

EDINBURGH,
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BRITISH MUSEUM

THE STATUTES OF *George Heriot's* HOSPITAL.

To the Honour of ALMIGHTY GOD, to the Edification of His Holy Church, and to the Example of all others.

HERE begin the STATUTES and ORDINANCES of the Hospital founded, builded and erected upon the only Charges of the right worshipful GEORGE HERIOT of pious Memory,

mory, sometime Burgess and Gold-Smith of the City of Edinburgh, and late Jeweller to the two Renowned Princes, King James of happy Memory, and King Charles now reigning, compiled by Walter Balcanquel Dean of Rochester, after Consultation, Advice, and mature Deliberation had thereanent, with the Provost, Bailies, Ministers, and Council of Edinburgh, conform to the Power given to him in the Testament of the said umquhile GEORGE HERIOT, and Codicil annexed thereto, and true Meaning of the same.

CAP.

CAP. I.

De Nomine Hoſpitalis.

FIRST, This Foundation and **Hoſpital** ſhall (for all Time to come) perpetually and unchangeably be called by the **Name** of **George Heriot his Hoſpital**, and, in all Leaſes let from the ſaid **Hoſpital** to any Tenant, and in all Bargains, Evidents, Writings, or any other Writings whatſoever, wherein the **Hoſpital** is intereſted, it ſhall be called by that **Name**, and none elſe; and ſhall be erected, builded and finiſhed, with all Diligence, in the Bounds thereto deſigned by the Provoſt, Bailies, Miniſters and Council of *Edinburgh*, with Conſent of the ſaid Dean of *Rocheſter*, contained

ed in the Act of Council made thereanent, of the Date the 22d Day of *June* 1627. and that conform to the Pattern given by him to them, to that Effect.

CAP. II.

De Fundatore Hospitalis.

LEAST the Memory of so pious a Work should perish, and for the Provocation of others to the like Piety; but, above all, for the testifying of the Thankfulness of the Poor there to be maintained, unto ALMIGHTY GOD, he who readeth Prayers every Evening and Morning, in the Chapel of the **Hospital**, shall, amongst other Blessings, give Thanks unto GOD, in express Words, for the bountiful Maintenance which they, living there, receive from the Charity of their pious **Founder**. The like Mention shall be made in every Grace which shall be said after Meals;

Meals; but especially, upon the first *Monday* of *June*, every Year, shall be kept a solemn Commemoration and Thanksgiving unto God, in this Form which followeth. In the Morning, about Eight of the Clock of that Day, the Lord Provost, all the Ministers, Magistrates, and ordinary Council of the City of *Edinburgh*, shall assemble themselves in the Committee-Chamber of the said **Hospital**; from thence, all the Scholars and Officers of the said **Hospital** going before them Two by Two, they shall go, with all the Solemnity that may be, to the *Gray-Friers* Church of the said City, where they shall hear a Sermon preached by one of the said Ministers, every one yearly in their Courses, according to the Antiquity of their Ministry in the said City. The principal Argument of the Sermon shall be to these Purposes. To give God Thanks for the charitable Maintenance which

which the Poor maintained in the Hoſpital receive by the Bounty of the ſaid Founder, of whom ſhall be made honourable Mention; To exhort all Men of Ability, according to their Means, to follow his Example; To urge the Neceſſity of good Works, according to Men's Power, for the Teſtimony of their Faith; And to clear the Doctrine of our Church from all the Calumnies of our Adverſaries, who give us out to be the Impugners of good Works. After the Sermon ended, all abovenamed ſhall return to the Hoſpital with the ſame Solemnity and Order they came from it, where ſhall be paid to the Miniſter who preached, to buy him Books, by the Treaſurer of the Hoſpital for the Time being, out of the Treaſury or Rents of the Hoſpital, the Sum of

CAP. III.

De Gubernatoribus Hospitalis.

THE perpetual **Governors** of the said **Hospital** shall be, the Lord Provost, Bailies, Ministers, and ordinary Council of *Edinburgh* for the Time being, and their Successors, for whose Prosperity and Happiness, by the Name of **Governors**, the Reader of Divine Service in the Chapel, and the Scholars, in all Graces after Meals, shall pray, in express Words. Likeas, the said **Hospital**, and whole Estate thereof, shall be guided and governed by the Provost, Bailies, Ministers, and Council for the Time. And, according to the Plurality of the Voices of the said Provost, Bailies, Ministers, and ordinary Council of the said Burgh for the Time, the whole Estate of the said **Hospital**, both for the Rents and Treasury, and all Things which may de-

pend thereupon; as also the Election of all Officers, Scholars, and Bursars, thereunto any Way belonging, shall be wholly ordered, governed and ruled, these Cautions being provided, which are hereafter in any Part of these Statutes mentioned: But no Member of the said Council of *Edinburgh*, nor any of the said Ministers, shall ever have any Voice or Interest in any Business which may any Ways concern the said Hospital, either for Rents, or Elections, or any other Thing, until such Time as he or they shall, in the Presence of the Council and Ministers of *Edinburgh*, take a corporal Oath, laying his Hand upon some Part of the Holy Gospel, in these Words. *I*, A.B. *do faithfully swear and promise before GOD, that, to the best of my Knowledge and Power, I shall carry and demean my self, in all Matters which concern the Rents, the Election of the Officers, or Scholars, or any Thing*

else

else belonging to GEORGE HERIOT's **Hospital**: *And if I know any going about, at any Time, to defraud or defeat the Intention of the said pious Founder, I shall reveal it to this Assembly, or their Successors. So help me GOD, and the Contents of the Bible.* Before which Oath, personally taken, no Person abovementioned shall intermeddle with any Thing belonging to the said **Hospital**; and if any one shall give his Voice, before the said Oath administred and taken, all Conclusions or Elections, resolved upon at that Meeting, shall be utterly void, and of no Effect, to all Purposes whatsoever.

CAP. IV.

De iis, quae generaliter Electiones, & Hospitalis negotia spectant.

THERE shall be no Election of Scholars, or any Officers any Ways

Ways belonging to the Hoſpital, nor any Tranſaction which concerns any Way the Eſtate, or any other Thing belonging to the Hoſpital, be made or done, but in the Committee-Chamber of the ſaid Hoſpital, or in ſome other Place within the Buildings of the ſaid Hoſpital, whenſoever there ſhall be any Election of Officers or Scholars. *Firſt*, The eldeſt Miniſter of the Town, then preſent, ſhall diſtinctly read, unto the whole Electors, the enſuing Statute concerning the Election of the Scholars, or the Officer or Officers which are to be choſen; after which he ſhall briefly deſire them, in the Fear of God, and according to their Oath, which they have formerly taken for their Fidelity to the Hoſpital, to give their Suffrages, according to the true Meaning and Intention of that Statute preſently read unto them, and then immediately, and not before, they ſhall proceed to the Election. And

And, becauſe it is fit that the **Maſter** of the **Hoſpital** ſhould be well regarded in his Place, to breed the greater Reſpect unto him in all **Elections** and other Buſineſs which any Way concern the **Hoſpital**, he ſhall have a ſingle Suffrage and Voice, as well as any of the reſt of the **Electors** of the ſaid **Hoſpital**.

The **Compiler** of theſe Statutes, *Walter Balcanquel* Dean of *Roche-ſter*, during his natural Life, ſhall have a ſingle Suffrage in all **Elections** and Buſineſs concerning the **Hoſpital**, whenſoever he ſhall be in the City of *Edinburgh*.

It is ordained, that, in all Things belonging to the **Hoſpital**, either **Elections**, **Rents**, or **Government**, or any other Thing whatſoever, all theſe, who by the Statutes have a Voice, ſhall be warned by the Officer of the **Hoſpital**, who ſhall be elected by the Governors to that Effect, and, they being warned, what

ſhall

ſhall, by the manyeſt Voices of theſe who compear, be concluded, ſhall ſtand in Force and Effect.

CAP. V.

De Electione & Officio Theſaurarii.

UPON the firſt *Monday* after the Election of the Magiſtrates of this Burgh, yearly, there ſhall be choſen, by the ſaid Governors and Maſter of the **Hoſpital**, a ſufficient able Man to be **Treaſurer** of the ſaid **Hoſpital** for a Year thereafter, whoſe Office ſhall be, to receive all the **Hoſpital** Rents; to keep all Stock and Monies belonging to the **Hoſpital**; to pay all Wages and Allowances due to the Officers and Scholars, or any other belonging to the **Hoſpital**; to look diligently to the Reparation of the Building of the **Hoſpital**; to deliver weekly, to the Maſter of the **Hoſpital**, ſo much Money as to provide the Diet of the

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Hoſpital: And every *Friday*, at Night, to take the Maſter, and the Caterers Accounts, how they have diſburſed the ſaid Monies, whoſe particular Accounts he ſhall keep by him on a File, ſubſcribed by the ſaid Maſter and Caterers Hands; and it ſhall be in the ſaid Treaſurer his Power, to control or allow of the ſaid Accounts; which weekly Accounts, (both for the Diet of the Hoſpital, and all other Charges incident to the ſame any Way) he ſhall, upon the laſt Day of every Month, if it be not *Sunday*, and, in that Caſe, upon the next Day following, deliver up, to the four Auditors of the Hoſpital, theſe weekly Accounts of all Charges belonging to the Hoſpital.

He ſhall be elected by the Plurality of Suffrages of the ordinary Council and Miniſters of *Edinburgh*, the Maſter of the Hoſpital, and Doctor *Balcanquel*, if he be there

there preſent; after which Election, the Clerk ſhall adminiſter to him this Oath, in Preſence of the Governors, upon ſome Part of the Holy Goſpel, *viz. I*, A. B. *elect* **Treaſurer** *of* GEORGE HERIOT *his* **Hoſpital**, *do ſwear and faithfully promiſe, with my beſt Skill and Power, to diſcharge all that is required of me by the Statutes of the ſaid* **Hoſpital**. *So help me* GOD, *and by the Contents of this Book.*

HE ſhall yearly make his Accounts; and, at his removing from his Office, ſhall deliver to the ſucceeding **Treaſurer**, all Accounts and Papers which any Way belong to his Office, and may give all Inſight for the Diſcharge of the ſame; which Papers ſhall be always kept, and digeſted in good Order, in the Treaſure-Houſe of the ſaid **Hoſpital**.

IF the **Treaſurer** ſhall die, or, by any Neceſſity, be removed, the Governors, within Ten Days of his Death

Death or Removal, ſhall proceed to the Election of a new one, obſerving, in his Election, all Things before-mentioned.

CAP. VI.

De Electione & Officio Auditorum.

ON the ſame Day of the Election of the Treaſurer, there ſhall be choſen yearly, four **Auditors** of his and all other Accounts belonging to the ſaid **Hoſpital**, *viz.* One of the Bailies of the ſaid Burgh, one of the Miniſters of the ſame, one of the Merchants, and one of the Craftſmen of the Council of the ſaid Burgh, who ſhall ilk laſt Day of every Month, if it be not *Sunday*, and then the next Day following, hear and perfect the Treaſurer his Accounts for the Month laſt paſt, and ſhall have Power to control or allow them; and whatſoever monthly Accounts ſhall be perfected, and

 ſubſcrib-

ſubſcribed by the ſaid Hands of the Treaſurer, and any Two of the ſaid Auditors, ſhall be taken for a good monthly Account, and not otherwiſe; reſerving always, to the whole Body of the Governors, that Power, to control all the whole Accounts which ſhall hereafter be declared.

The Day after the End of every three Months, or, at the fartheſt, within four Days after, the ſaid Treaſurer and Auditors ſhall deliver up, unto the whole Body of the Governors aſſembled in the Committee-Chamber, their Accounts for the three Months laſt paſt, fairly written in a Book; they ſhall be read publickly, and there either controlled or allowed; the Allowance ſhall be under the Hand of the Regiſter of the Hoſpital, with theſe Words, Ex juſſu Dominorum Gubernatorum Hoſpitalis; which Book of Accounts for three Months, ſo allowed, for the Space of eight Days

Days after, ſhall lie open upon the Table in the Committee-Chamber, ſo that if any one of the Governors, (but none elſe) have a Mind to peruſe them, they may; and if they ſhall find any Overſight or Fault in them, they are charged, by virtue of their Oath of Fidelity to the Hoſpital, taken at the firſt, to reveal it to the reſt of the Governors, who ſhall take Order to correct and amend it.

The Auditors and Treaſurer, within four Days of the laſt Month of every Year, ſhall deliver up the whole laſt Year's Accounts to the whole Body of the Governors aſſembled in the Committee-Chamber, where they ſhall be allowed or controlled, every Way as is expreſſed in the quarterly Accounts.

The Election of the Auditors ſhall be by the Plurality of Suffrages, and, in all Reſpects, as is expreſt in the Election of the Treaſurer.

After

After the Election, the **Auditors** shall give their Oaths in Presence foresaid, as is taken by the Treasurer, **mutatis mutandis.**

The **Auditors** shall be yearly chosen, as the Treasurer is; and, if any of them shall happen to decease, the Governors shall proceed to the Election of one in his Place, within the Time prefixed, in case of Removal or Death of the Treasurer.

It is to be observed, that the monthly, quarterly, and yearly Accounts of the Treasurer, and **Auditors** Accounts, shall comprehend all Manner of Layings out for the **Hospital's** Diet, Wages, Cloaths, Prentice-Fees, Reparations, and all Things else. As also all Manner of Comings in, whether Rents, or Stock in the Treasure-House; so that, upon the fitting of every monthly, quarterly, and yearly Accounts, there may clearly appear what Rents remain in the Treasurer

his

his Hands, and what Stock in the Treasure-House; and if, at any Time, the Charges to be laid out shall come to be more than the Rents received, because of the late coming in of the Rents some Times, the Treasurer shall borrow so much of the Stock of the Treasure-House, with the Allowance of any Two of the **Auditors**, who shall see it presently repaid again to the Treasure-House, upon the coming in of the Rents.

CAP. VII.

De Electione & Officio Registrarii.

THERE shall be chosen by Plurality of Voices, of all of them who have Voices in the Election of the Treasurer, a **Register** or **Clerk** of the **Hospital**, who shall hold the same Office during his natural Life, unless, for his Misdemeanor, he shall be removed by them, who,

who, in one of the enſuing Statutes, ſhall have Power ſo to do. His Office ſhall be, fairly and faithfully to keep, order, and digeſt all the Evidents, and all other Papers whatſoever belonging to the ſaid **Hoſpital**; as alſo, as **Clerk**, to ſit with the Governors of the **Hoſpital** at all their Meetings; and there, **in modo & forma**, to enact all Orders and Reſolutions made by the ſaid **Governors**. Likewiſe, he ſhall have the ſole Benefit of drawing and engroſſing all Manner of Evidents, Securities, and Writings, which are made betwixt the **Hoſpital** and any Party; and ſhall receive, therefore, no greater Fee than is uſually paid to other Writers to the Signet, or to the Clerk of the Town of *Edinburgh*, in ſuch Caſes.

After his Election, and before his Admiſſion into the Place, he ſhall receive the Oath in the ſame Form as is before expreſt in the Oath of the

the Treaſurer, **mutatis mutandis.** Upon his Death or Removal, the Governors of the **Hoſpital** ſhall proceed, within Ten Days, to the Election of a new One, in the ſame Forms and Manner as is before expreſt. The **Regiſter** ſhall have quarterly paid him, by the Treaſurer of the **Hoſpital,** Fifty Merks *Scots.* And the ſaid **Regiſter** ſhall receive, as a Fee, from him or them to whoſe Uſe any Thing is ſealed,

and no more.

CAP. VIII.

De Sigillo Hoſpitalis.

THERE ſhall be one **Common Seal** for the ſaid **Hoſpital,** engraven with this Device, **Sigillum Hoſpitalis Georgii Heriot,** about the Circle; and, in the Middle, the Pattern of the **Hoſpital.** No Security, nor Evident, nor Deed, ſhall be reputed to be a Security,

Evi-

Evident, or Deed of the Hoſpital, unleſs it be Sealed and Confirmed with the ſaid Seal.

The Keeping of the ſaid Seal ſhall be after this Manner. It ſhall be kept in a Cheſt which ſhall have four ſeveral Locks, of four ſeveral Works, ſo that one Key can open but one Lock. On the 24th Day of *June*, in every Year, if it be not *Sunday*, and, in that Caſe, the next Day following, the Governors of the Hoſpital ſhall cauſe to be delivered, one of the Keys of the ſaid Cheſt, to the Dean of Gild of the ſaid Burgh for the Time being; at which Time alſo, by Plurality of Voices, they ſhall chooſe three more of their own Number, to keep the other three Keys; of which, the one ſhall be one of the Miniſters of the Town, the other a Merchant of the Body of the Council, the third one of the Deacons of the Crafts: Three ſeveral Keys ſhall be delivered

ed to them accordingly, but not without this Oath first administred unto them by the Clerk, in Presence of the Provost, or one of the Bailies of the said Burgh, and remanent Governors. *I*, A. B. *do faithfully swear and promise, to carry my self, to my best Skill and Power, in the Keeping of the* Seal *of* George Heriot *his* Hospital, *and that I shall never suffer (so far as lieth in my Power to hinder) the* Seal *of the said* Hospital *to be put to any Security, Evident, or Writing whatsoever, unless it be first so decreed and resolved upon, by the Suffrages of the major Part of the Governors of the said* Hospital. *So help me* God, *and the Contents of this Holy Book.* Their Office shall continue only for one whole Year; and this to have Beginning, so soon as the Hospital shall be finished, builded, and perfected.

CAP. IX.

De Electione Magistri.

BECAUSE no Body can be well governed without a Head, there shall be one of good Respect chosen **Master** of the **Hospital**, who shall have Power to govern all the Scholars and Officers who live within the same. His principal Care shall be, to see that the Scholars be brought up in the Fear of ALMIGHTY GOD; and therefore he shall, in the Chapel of the **Hospital**, every *Tuesday*, *Thursday*, and *Sunday*, some Part of the Afternoon, catechise and instruct the Scholars in the common Grounds and Principles of Faith and Christian Religion, and shall not offer to meddle farther with any Points of Divinity, than the Doctrine of the Catechism; and he shall expone no other Catechism unto them, but such as shall either be

be made, or appointed and approved, by the Miniſters of *Edinburgh* for the Time being: After the End of every Catechiſm he ſhall read a Prayer, and not conceive one of his own: The Prayer ſhall be delivered him by the Miniſters of *Edinburgh*, in which there ſhall be expreſs Thanks unto GOD for the raiſing up their Founder, and an expreſs Petition for the Proſperity and Happineſs of the Council and Miniſters. *Next*, He ſhall have a ſpecial Care, that the Scholars, and inferior Officers of the Houſe, be brought up in good Manners; and therefore, that, in all Caſes of Miſdemeanors, as Swearing, Fighting, Lying, Spoiling of their Cloaths or Chambers, or the like, they receive due Correction and Chaſtiſement. *Thirdly*, His Care ſhall be, as is above expreſt, that every Week, once, he take the Butlers, Bakers, Brewers, Cooks, and all other Officers weekly Accounts, and

ſhall

ſhall deliver them to the Treaſurer. And therefore the Governors ſhall have a ſpecial Care, that the **Maſter** to be elected, at all Times, have theſe Qualities; That he be a Man fearing God; of honeſt Life and Converſation; of ſo much Learning as he be fit to teach the Catechiſm; a Man of that Diſcretion, as he may be fit to govern and correct all that live within the Houſe; and a Man of that Care and Providence, that he may be fit to take the Accounts of the ſame; a Man of that Worth and Reſpect, as he may be fit to be an Aſſeſſor with the Governors, having a Suffrage given unto him in all Buſineſſes concerning the **Hoſpital**, by the Fourth Chapter of theſe Statutes. He ſhall be an unmarried Man, otherwiſe let him be altogether uncapable of being **Maſter**. His Election ſhall be by the Plurality of Suffrages of all thoſe who (by the Statutes before mentioned in the Fourth Chapter

Chapter) have Voices in Elections. And we charge the Consciences of the Governors, in the LORD, that, in the Election of him, all particular and personal Respect laid aside, they only look unto the Fitness of the Man, and observe the true Meaning and Intention of this Statute.

CAP. X.

De sequentibus electionem Magistri.

AFTER his Election, and before his Admission, the Clerk, in Presence of the Governors there present, shall require him first to take the Oath of Allegiance; and afterward, the Party elected, laying his Hand upon some Part of the Gospel, shall swear farther, thus. *I*, A. B. *elected* **Master** *of* GEORGE HERIOT *his* **Hospital**, *do swear and faithfully promise, before* GOD, *that, to my best Power, I shall discharge all which the Statutes of the* **Hospital** *require from*

from me, and shall do my best to see all the Statutes of the said Hospital *observed by others, whom they do concern; and I do promise all Faith and Obedience to the Lord Provost, Bailies, Ministers, and Council of* Edinburgh, *now present, and to their Successors. So help me* GOD, *and the Contents of this Holy Book.* After which Oath taken, he shall have, by some of the Governors of the Hospital, Possession of the Master's Lodgings delivered unto him; and there publickly, in the Hall of the said Hospital, all the Scholars, and all Officers living in the House, shall be assembled together, and some one of the Governors, whom they shall think fittest, shall declare unto them, that this is he whom they have chosen to be Master and Governor over them; and therefore do command them to yield unto him all respectful Obedience, in all Things that he shall command them, upon Pain of being

being expulsed from the said Hospital. The Master of the Hospital, within the Precincts of the same, shall never go without his Gown. In the Hall he shall have his Diet, he and the School-Master, in the upper End, at a little Table by themselves. He shall have a Care to see the Committee-Chamber, and Garden, with all the Walks, kept fair and clean, without spoiling: But especially, that the Chapel, the Hall, and all the Office-Houses, be kept sweet and clean, as likewise the Scholars Chambers. He shall have given yearly unto him, a new Gown, and quarterly, for his Wages, Fifty Pounds *Scots* Money.

CAP. XI.

De Amotione aut Castigatione Magistri, ubi opus sit.

IF, at any Time, the Master shall marry, his Place, ipso facto, shall

ſhall be void. If, at any Time, he ſhall be convicted, before the Governors of the ſaid Hoſpital, as a Fornicator, Adulterer, Drunkard, or notorious Swearer and Blaſphemer, he ſhall, ipſo facto, be depoſed. If, at any Time, he ſhall be found remiſs or negligent in his Place, let him be publickly admoniſhed by the Governors of the Hoſpital; which Admonition ſhall be regiſtrate in the Hoſpital-Book. If he offend, in the like Kind, again, let him receive a ſecond publick Admonition, which alſo ſhall be regiſtred. After which, if he ſhall offend in the ſame Kind the third Time, let him receive a third publick peremptory Admonition, which is likewiſe to be regiſtred. After which three regiſtrate Admonitions, if ever he offend again in the Premiſſes, let him be irrevocably depoſed by the Governors. In which Caſe, they are preſently to proceed to the Election of a new Maſter.

If,

If, at any Time, the **Master** of the **Hospital** shall ly a whole Night out of the **Hospital** (except in Cases of violent Detention) without Leave of the Lord Provost of *Edinburgh* for the Time, or, in his Absence, one of the Ministers of the said Burgh, he shall receive a publick Admonition from the Governors, and forfeit a whole Quarter's Wages; which, in no Case, shall be pardoned. If he do so the second Time, he shall receive a second publick Admonition, and forfeit two Quarter's Wages; in no Case to be remitted to him. After which, if he shall offend again, in that Kind, the third Time, and shall be thereof sufficiently convicted, before the Governors of the **Hospital**, he shall be absolutely deposed.

Whensoever the **Master**'s Place of the **Hospital** shall be void, either by Death, voluntary Cession, Deprivation, or any other Way, the Gover-

nors ſhall, within Forty Days, elect and admit another into his Place, in Form and Manner above mentioned, elſe it ſhall be abſolutely in the Power of the Lord Chancellor of *Scotland*, for the Time being, to nominate, preſent, and admit into the ſaid Place, whomſoever he ſhall pleaſe, being qualified according to the Statute before written, but ſtill to be admoniſhed, mulcted, and depoſed by the Electors, according to his Offences mentioned in this Statute.

CAP. XII.

De Electione & Officio Didaſcali.

AND becauſe that the Scholars ſhall be brought up in Letters, there ſhall be a **School-Maſter**, whoſe Office ſhall be, to teach the Scholars to read and write *Scots* diſtinctly, to cypher, and caſt all Manner of Accounts: As alſo, to teach them

them the *Latin* Rudiments, but no farther. He ſhall be careful to ſee the Scholars keep their Chambers clean, their Cloaths handſom; to keep good Order in the Chapel, and in the Hall, and elſewhere. He ſhall correct them for all their Faults. For his Qualities of Life, good Report, *&c.* for the Manner of his Election, Admiſſion, Admonition, Mulcting, Depoſition, and the Election of a new one in his Place, it ſhall be in all Points obſerved, as is expreſt in the Statutes which concern the Maſter. He muſt be unmarried. He ſhall yearly have a Gown given him, without which he muſt never go, within the Precincts of the Hoſpital. He ſhall receive quarterly, from the Treaſurer of the Hoſpital, for his Stipend,

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CAP. XIII.

De Electione Discipulorum.

THERE shall be chosen and admitted into the **Hospital**, at the first, so many **poor Scholars** as the Revenue of the **Hospital** shall be able to maintain, **deductis deducendis**, who shall all be Children of Burgesses and Free-Men of the said Burgh; and, amongst these, the Kinsmen of the said umquhile GEORGE HERIOT to be preferred; all others, indifferently, to be admitted, without any Respect, but according as the Plurality of Voices shall fall. We do charge the Consciences of the Electors, in the LORD, that they chuse no Burgess's Children into these Places, if their Parents be well and sufficiently able to maintain them, since the Intention of the **Founder** is only to relieve the Poor. All these **Scholars**, when they are ad-

admitted, muſt not be under ſeven Years of Age compleat, and they ſhall not ſtay in the **Hoſpital** after they are of the Age of ſixteen Years compleat; at which Time, if it be found by their Maſters, that they are like to prove **hopeful Scholars**, the **Hoſpital**, out of the Treaſure-Houſe, ſhall allow them, for the Space of four Years, to bring them up in the College of *Edinburgh*, the yearly Allowance of
and their Regent ſhall be bound to take nothing for teaching them. If, by their Maſters, they ſhall be thought not fit to be **Scholars**, then they ſhall be bound out Apprentices to ſome ſuch Trade, as, by the Governors, ſhall be thought fit; the Treaſure-Houſe of the **Hoſpital** paying for their Apprentice-Fee
and no more; and the Governors taking good Security of their Maſters, for performing of Covenants with the Apprentices ſo bound.

bound. But, after the Scholars have learned to read and write *Scots* distinctly, and the *Latin* Rudiments, they shall be put out to the free Grammar-School of EDINBURGH, there to be taught, until such Time as they be either fit for the College, or to be Apprentices; they shall all come to, and go from the School together, at all Times of the Meeting or Scaling of the Grammar-School, orderly, and in their Gowns. The Master of the Grammar-School shall yearly receive from the Treasurer of the Hospital, for teaching of these Scholars,

THE Election of them shall be thus. At two Times in the Year, that is to say, upon the second *Monday* of *October*, after the Election of the Magistrates, yearly, and, upon the third *Monday* of *April* thereafter ensuing, yearly, the Governors shall assemble themselves in the Committee-House, and shall there carefully examine,

examine, how many Places of **Scholars** have been voided ſince the laſt ſix Months, either by Death, putting to the College, being made Apprentices, or any other Way whatſoever: As alſo, they ſhall examine the Revenue and Eſtate of the **Hoſpital**, whether it be able to maintain any more; then, according to the Number of the Places voided, and according to what they find after both theſe Searches and Examinations, we do charge their Conſciences, in the LORD, that they do preſently elect and admit ſo many **Scholars**, qualified as is before expreſt; which **Scholars**, beſides their Bedding, Lodging, Waſhing, Common-Fires, ſhall be allowed, from the Treaſurer of the **Hoſpital**, yearly, for their Diet, , and for their Clothes, . The Election of them ſhall be by Plurality of Suffrages, as is expreſt in other Elections.

THEY

They ſhall be comely and decently apparrelled, as becometh, both in their Linens and Cloaths; and their Apparel ſhall be of ſad Ruſſet Cloath, Doublets, Breeches, and Stockings or Hoſe, and Gowns of the ſame Colour, with black Hats and Strings, which they ſhall be bound to wear during their Abode in the ſaid **Hoſpital**, and no other.

CAP. XIV.

De Electione & Officio Promi.

THERE ſhall be choſen a **Butler**, by Plurality of Voices, to continue in that Office during his natural Life. He ſhall not marry without the Conſent of the Governors asked and obtained. His Care ſhall be, to take Charge of all the Bread and Drink, and laying the Table-Cloaths, at the Times of Meals, in the Hall. He ſhall be, in all Things, obedient to the Maſter

ſter of the Hoſpital. And if he ſhall be convicted, before the Electors, of Fornication, Adultery, of being a Drunkard, a common Swearer, or of wilful and often Diſobedience to the Maſter of the Hoſpital, he ſhall be preſently expulſed the Hoſpital. For his Wages, he ſhall quarterly receive, for himſelf,

and for his Boy,

The Butler ſhall be charged with the Keeping of all the Silver-Plate that belongs to the Hoſpital; as alſo with all other Spoons, Salts, Stoups, Cups to drink in, and Candleſticks, which belong to the Hall-Service.

CAP. XV.

De Electione & Officio Coqui.

THERE ſhall be choſen a Man, of honeſt and good Report, to be Cook of the Hoſpital, whoſe Election, Admiſſion, Licence to

marry, Puniſhment and Expulſion, ſhall be obſerved, in all Points, as is expreſt in the former Chapter, in the Caſe of the *Butler*. He ſhall be charged, beſides the clean dreſſing of the Hoſpital's Diet, with the Keeping of all the Utenſils belonging to the Kitchen. He ſhall receive, quarterly, Wages for himſelf,

for his Boy, He ſhall deliver up his Accounts for Bread, Drink, Candle, and other Things belonging to his Charge, to the Maſter, ſo often in the Week as he ſhall require.

CAP. XVI.

De Electione & Officio Opſonatoris.

THERE ſhall be choſen a Man, of good and honeſt Report, to Caterer, whoſe Office ſhall be, faithfully, and at the beſt Rates, to buy good and wholſom Meat for the Diet of the Hoſpital; as alſo to deliver

liver up his daily Accounts (clean and fairly written) to the Master of the **Hospital**, so often in the Week as he shall require them from him. His Election, Admission, Licence to marry, his Punishment or Expulsion, in all Points to be observed, as is expreſt in the two former Statutes, concerning the **Butler** and **Cook**. He shall receive quarterly, for his Wages,

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CAP. XVII.

De Electione & Officio Janitoris.

THERE shall be chosen a Man, unmarried, of honest Report, to be **Porter** of the **Hospital**. He shall be a Man of good Strength, able to keep out all sturdy Beggars, and vagrant Persons. He shall lock the Gates at all Times of Prayers and Meals; every Night he shall lock up the Gates, and bring the Keys of them up to the Master, at Seven

Seven of the Clock in Winter, and at Nine in Summer. He ſhall keep the Court very clean; he ſhall ſweep clean the Chapel every Day, and the Hall after every Meal; he ſhall ſee the Walks kept clean and fair, and make all the publick Fires in the Hall; and if, at any Time, he diſpoſe himſelf to marry, he ſhall demit his Place, or elſe be deprived of the ſame. His Election, Admiſſion, Puniſhment, or Expulſion, ſhall be in all Points obſerved, as is expreſt in the Statutes which concern the Three former Officers. He ſhall have, for his quarterly Wages,

and every Year a Gown, which he muſt wear continually at the Gate.

These four Officers, *viz.* the **Butler, Cook, Caterer** and **Porter**, ſhall have their Diet in the Hall, immediately after the Maſter has dined, and the Scholars riſen from the Table, with whom likewiſe the

the Master's Man shall be allowed his Diet.

CAP. XVIII.

De Electione & Officio Hortulani.

THERE shall be provided for the **Hospital**, a good and sufficient **Gardener**, whose Care shall be, to look well to the Committee-Garden, whereof the Master is to have the Use; to the Kitchen-Garden, and to all the Walks and Hedges belonging to the **Hospital**. The Governors to elect, place, and displace the **Gardener** at their Pleasure. He shall receive, quarterly, for his Wages,

CAP. XIX.

De Electione & Officio Foeminarum.

THERE shall be chosen **Six Women**, of good and honest Report, unmarried, and who must never

never marry. They ſhall be of the Age of Forty five Years at the leaſt; their Charge ſhall be, diligently to waſh all the Linens, that belong either in general to the **Hoſpital**, or, in particular, to any Scholar; and to make all the Scholars Beds, and ſweep their Chambers, and to attend ſuch of them as ſhall be ſick. Their Election, Admiſſion, Puniſhment, or Expulſion, is in all Points to be obſerved, as, in the Caſe of the **Hoſpital-Butler**, is expreſt in the 14th Chapter. They are to have their Diet in ſome Room by themſelves; they are to be charged with, and anſwerable for all the publick Linens of the **Hoſpital**, and the particular Linens of the Scholars. They ſhall receive, quarterly, for their Wages, every one of them,

All theſe Officers before-mentioned, in caſe of Miſdemeanor, ſhall be puniſhed by the Maſter of the **Hoſpital**; and, therefore, there ſhall be

be a Pair of Stocks placed at the End of the Hall in the **Hoſpital**, in which the Maſter ſhall command to be laid any Officer, for any ſuch Offence, as, in his Diſcretion, ſhall ſeem to deſerve it; and the Maſter likewiſe ſhall have Authority to lay, in the ſame Stocks, any vagrant Stranger, of mean Quality, who, within the Precincts of the **Hoſpital**, ſhall commit any ſuch Offence as may deſerve it. The Officer for executing the Maſter's Command, in this Point of Juſtice, ſhall be the Porter of the **Hoſpital**.

All theſe under Officers, *viz.* **Caterer, Butler, Cook, Porter, Women,** and **Gardener**, ſhall find ſufficient Security for their Intromiſſion and Diſcharge of their Duties in their Offices.

CAP.

CAP. XX.

De Electione & Officio Medici, Pharmacopolae & Tonsoris seu Chirurgi.

THERE shall be appointed one Doctor of Physick, who, for visiting and looking to all the Sick in the Hospital, shall receive, yearly, from the Treasurer, One Apothecary, who shall be paid for all his Bills of Druggs, if they be subscribed with the Doctor of Physick his Hand. One Chirurgeon-Barber, who shall cut and poll the Hair of all the Scholars in the Hospital; as also look to the Cure of all those within the Hospital, who any Way shall stand in Need of his Art, and shall receive for his Wages, yearly,

CAP.

CAP. XXI.

De iis quae generaliter Hoſpitalem ſpectant.

FIRST, for the Service of ALMIGHTY GOD, there ſhall be, in the Chapel of the Hoſpital, every Day, in the Morning, betwixt Seven and Eight of the Clock, Divine Service read by the Maſter of the School, in this Order. *Firſt*, Shall be read the ordinary Confeſſion of Sins. *Next*, Some one or more of the Pſalms in Proſe. After that, one Chapter of the Old Teſtament; and, after that, one of the New Teſtament; both of them, in Order, as the Miniſters of *Edinburgh* ſhall direct. After which ſhall be ſaid the Creed; after that, a Prayer ſhall be ſaid, in which Thanks ſhall be given to GOD for all his Spiritual and Temporal Bleſſings; amongſt his Temporal Bleſſings, for the preſent Maintenance which they receive

from GOD by the Hands of their bountiful Founder. Moreover, they ſhall pray for the Life and happy Reign of our Sovereign Lord the King, the Queen, and all of the Royal Progeny; for the Lords of his moſt honourable Privy Council, and more eſpecially for the Provoſt, Bailies, Miniſters, and Council of *Edinburgh*, their moſt religious and and honoured Governors; beſeeching GOD to raiſe up unto them ſuch Benefactors, as may, by the Teſtimony of their good Works, bear Witneſs to the Holineſs of our Profeſſion and Religion. This Prayer is not to be conceived by the School-Maſter, but to be read by him every Day, as it ſhall be delivered unto him, penned by the Miniſters of *Edinburgh*.

AT every Meal, before Meat, Grace ſhall be ſaid in the Midſt of the Hall, by one of the Scholars, and it ſhall be a Set Form of Grace, pronounced in the Midſt of the Hall, after the ſaid Scholar hath firſt read one of

of the Pſalms. After Dinner, the ſame Scholar ſhall ſay the Grace, giving GOD Thanks, amongſt other Things, for their **Founder**, and praying for their Governors. This Grace, likewiſe, is to be in a ſet Form, as it is to be delivered unto them by the Miniſters.

EVERY *Sunday*, the Maſter, the School-Maſter, and all the Scholars, in Order, Two and Two, ſhall go ſolemnly, in Order, in their Gowns, and all the Officers of the Houſe that can be ſpared, going after them, to the *Gray-Friers* Church, both to the Forenoon and Afternoon Sermon, and there ſhall ſit in ſuch a Place as ſhall be appointed for them: And, in that decent Order, return back again from the Church to the ſaid **Hoſpital**. All the Scholars, in the Chapel, Hall, Church, and all other Places whatſoever, ſhall take Place according to that Rank and Order in which they are elected and admitted to be Scholars of the **Hoſpital**, and no otherwiſe.

THERE

THERE ſhall ever be kept in the Treaſure-Houſe of the **Hoſpital**, ſo great a Stock of Money, as, in all Probability, is able to defray the Charges of theſe Scholars who are maintained in the **Hoſpital**; and pay the Apprentice-Fees of all ſuch as are to be bound out Apprentices; and pay the Charges of Reparations, and all other common Charges whatſoever belonging to the **Hoſpital**.

TWICE every Year, that is to ſay, upon the ſecond *Monday* of *October*, after the Election of the Magiſtrates yearly, and upon the third *Monday* of *April* thereafter enſuing, yearly, being ſix Months diſtant one from another, the Electors ſhall viſit the ſaid **Hoſpital**, hear and determine all Complaints that can be made, either againſt the Maſter, School-Maſter, or Officers; ſhall reform all Abuſes which they find in the ſame; ſee that all Parts of the **Hoſpital** be tight and in good Reparation, and enquire whether the Scholars

Diet

Diet be good and wholſom, their Cloaths honeſt and ſeemly, their Beds and Chambers ſweet and cleanly, according to the Allowances beſtowed upon them, and ſet ſtraight all other Things which need to be amended.

All the Monies which, by Debts, Rents, or any other Way, ſhall belong to the **Hoſpital**, beſides that which ſhall come in to the Stock of the Treaſure-Houſe, ſhall be beſtowed upon Land, and no otherwiſe, for all Time to come whatſoever.

CAP. XXII.

De Reſervatis.

THE Compiler of theſe Statutes, Doctor *Balcanquel*, doth reſerve unto himſelf, full Power for the filling up of all Blanks in theſe Statutes, and all the Power which he now hath, for the determining of the Stipends, or Wages of all Perſons, to whom, by theſe Statutes,

Wages

Wages or Stipends are to be allowed, until ſuch Time as, after the Building and Erecting of the ſaid **Hoſpital**, and a perfect Examination of the clear probable Revenue of the ſaid **Hoſpital**, after the perfecting and clearing of all Manner of Accounts and Deductions, either in his own Preſence, or by the Information of the Lord Provoſt, Bailies, Miniſters, and Council of *Edinburgh*, it may appear unto him, what Wages the Revenue of the **Hoſpital** is able to allow to all ſuch, as, by the Statutes before-mentioned, are to receive Wages and Allowances: As alſo, he doth **reſerve** unto himſelf, all the Power which is given unto him, by the laſt Will of the pious **Founder**, or the Codicil thereunto annexed, for the ordering and ſettling of the Ten Burſars Places therein mentioned, until ſuch Time as the Building of the ſaid **Hoſpital** ſhall be finiſhed.

And if it ſhall pleaſe GOD, that the ſaid *Walter Balcanquel*, (before the Times above-mentioned) depart this Life, he doth, by theſe Preſents, tranſmit the whole Power now reſident in him, concerning theſe two Points, of determining Stipends and Wages, and ordering and ſettling of the Ten Burſars, to the Lord Provoſt, Baiiies, Miniſters, and Council of *Edinburgh*, for the Time being, whom he doth earneſtly beſeech, in the Lord, to take all faithful and poſſible Pains, that theſe two Points be conſcionably ſettled, according as they ſhall find the Revenue of the Hoſpital will give Leave.

To prevent all Corruptions in after Times, there ſhall never be made, by the Electors, any Pre-election of any Place whatſoever belonging to the Hoſpital; nor ſhall the Pre-election, or Election of any Officer or Scholar, before the Place unto which he is pre-elected, or elected, be actually

ally void, ſtand good, but it ſhall be void, **ipſo facto.** And therefore, before the **Hoſpital** Building be finiſhed, and fit to receive thoſe who are appointed to inhabit in it, there ſhall be made no Election, nor Preelection of any Officer or Scholar belonging to the **Hoſpital**, excepting only ſuch as muſt of Neceſſity attend the Fabrick of the ſaid Building, or the preſent Revenue, Monies, or Eſtate, preſently belonging or intended for the ſaid **Hoſpital**; and theſe, after the Building is finiſhed, or before, to leave their Places, unleſs they be then again, **de novo**, choſen by the Electors; but after the Houſe is fitted for the receiving of thoſe who are to live in it, then all Elections ſhall go as is expreſt in the Statutes before-mentioned.

The Compiler of theſe Statutes, *Walter Balcanquel* Dean of *Rocheſter*, doth **reſerve** unto himſelf, during his own natural Life, all Power for adding unto, or diminiſhing from

from, or altering of these present Statutes, accordingly as, upon emergent Occasions, he shall be thereunto induced by his own Conscience, or Consultations with the Lord Provost, Magistrates, Ministry, and Council of *Edinburgh*; or by the Advice of those who are learned in the Laws of the Realm of *Scotland*. Otherwise, if, from the said Dean of *Rochester* in his Lifetime, these Statutes shall receive no Addition, Diminution, nor Alteration, then these Statutes, being subscribed with his Hand, and sealed with his Seal, at any Time before his Death, shall have the Strength, Validity, and Force, to all Purposes whatsoever, of the Statutes mentioned in the Will of the **Founder**, by which, and no otherwise, the said **Hospital** shall be *perpetually governed, ordered, and directed for ever hereafter, unto the End of the World.*

And if there shall arise any Controversy concerning the Interpreta-

tion of the ſaid Statutes, or of any Part, Sentence, or Word in the ſame; it is ordained, that thoſe Five mentioned in the Founder's Will, *viz.* the Lord Chancellor, the two Arch-Biſhops, the Lord Preſident of the College of Juſtice, the Lord Advocate to his Majeſty of this Realm of *Scotland*, for the Time being, ſhall have ſole and whole Power to interpret the ſame, and to determine all Controverſies ariſing about the Interpretation of the ſame. So that whatſoever any Three of theſe Five met together, and all Parties intereſted being conveened, ſhall judicially, or extrajudicially, declare, in their Conſciences, to come neareſt the true Meaning of theſe Statutes, That, and nothing but That, ſhall be taken for the true Meaning of the ſame, and, in all Points, without farther Scruple, be obſerved and followed.

And that theſe Statutes may never be concealed, there ſhall be one true,

true Copy of them for ever kept and regiſtrated in the Books of Seſſion, one in the Regiſter of the Council of *Edinburgh*, one in the Regiſter-Office of the ſaid **Hoſpital**, and more in other Places needful, if any ſhall be thought upon, that ſo any Party, intereſted in them, may have open and free Recourſe unto them.

CAP. XXIII.

Concluſio.

AND now, *finally*, I, the unworthy Servant of GOD, *Walter Balcanquel* the Compoſer of theſe Statutes, do onerate and charge the Conſciences of you, the Lord Provoſt, the Magiſtrates, the Miniſtry, and Council of the City of *Edinburgh*, and of all thoſe who ſhall be your Succeſſors, unto the ſecond Coming of the SON of GOD; and that, by the Bowels of our Lord JESUS CHRIST, who one Day will come

come to judge the Quick and the Dead, and take a particular Account of every one of you for this particular Stewardſhip wherewith you are truſted; by the Zeal and Honour of our reformed Religion, which, by this pious Work of the **Founder**, is illuſtrated and vindicated from the Calumnies of the Adverſaries to our holy Profeſſion, by that pious Reſpect which you his Fellow-Citizens ought to carry to the pious Memory, and laſt Will of the religious **Founder**, your worthy Citizen GEORGE HERIOT. And, *laſtly*, For the clearing of your own Conſciences, and your own particular Accounts in that great Day of the LORD, let none of you who read theſe Preſents, nor your Succeſſors, who in after Ages ſhall come to read them, offer to fruſtrate the pious **Founder** of his holy Intention, either by taking, directly or indirectly, from this **Hoſpital**, any Thing which he, in his Piety, hath doted unto

to it, or by altering of it, or beſtowing it upon any other Uſe, though you ſhall conceive it to be far more pious or profitable; or to go about to alter any of theſe Statutes and Ordinances, after they ſhall be once delivered up unto you, compleatly ſubſcribed and ſealed, as you will anſwer the contrary, at the uttermoſt of your Perils, in the Day of the Lord JESUS: To whom, (being fully aſſured of your godly Care and zealous Conſcience in thoſe Particulars) with his Father, and the Holy Ghoſt, three Perſons, but one undivided Eſſence of the Godhead, as for all other their Bleſſings, ſo in particular for the great Charity of this moſt pious and religious **Founder**, be aſcribed, as is moſt due, all Praiſe, Honour and Glory, from Age to Age. AMEN.

FINIS

EGO Gualterus Balcanquel S. S. Theologiae Doctor Ecclesiae Cathedralis Rossensis Decanus, civis Edinburgenus natus & juratus, pientissimi viri Gualteri Balcanquel, civitatis Edinburgenae circiter quadraginta tres annos pastoris vigilantissimi, filius; potestate ad id mihi facta ex testamento & codicillo clarissimi optimique viri GEORGII HERIOT, gemmarii Regii, trado, clarissimis, reverendissimis, spectatissimis viris, D. D. praefecto, balivis, pastoribus, reliquisque senatoribus Edinburgenis ordinariis, statuta haec, viginti tribus capitibus comprehensa, observanda, habendaque in perpetuum, pro statutis seu ordinationibus illis in testamento & codicillo GEORGII HERIOT, commemoratis; reservatis mihi-met semper cunctis & singulis, quae per statuta haec reservantur. Ita est, quod singrapha & sigillo meo ratum esse jubeo,

Gualterus Balcanquel.

Edinburgi, 13 *Julii*, anno post incarnatum redemptorem, 1627. annoque regni Domini nostri *Caroli* primi, tertio. } Locus Sigilli.

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